

Message Text

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ACTION IO-14

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC IMMEDIATE 4756

AMEMBASSY PRETORIA IMMEDIATE

INFO AMEMBASSY BONN IMMEDIATE

AMEMBASSY GABORONE

AMEMBASSY DAR ES SALAAM

AMEMBASSY LAGOS

AMEMBASSY LUSAKA

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY MAPUTO

AMEMBASSY OTTAWA IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMCONSUL CAPETOWN

C O N F I D E N T I A L SECTION 1 OF 6 USUN 2487

E.O. 11652: GDS

TAGS: PORG, US, SF, WA

SUBJECT: DRAFT TEXT OF TALKING POINTS FOR SWAPO TALKS

1. WESTERN FIVE CONTACT GROUP MET PM AUGUST 3 AND AGREED
AD REFERENDUM TO CAPITALS ON DRAFT TEXT OF TALKING
POINTS FOR NEW YORK SWAPO TALKS WHICH BEGIN AUGUST 8.
REQUEST COMMENTS BY START OF BUSINESS AUGUST 5.

2. DRAFT TEXT FOLLOWS: QUOTE:
PART I OF THE WESTERN FIVE PRESENTATION AT THE NEW YORK
MEETING WITH SWAPO: GENESIS AND PHILOSOPHY OF THE
INITIATIVE OF THE FIVE.
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I. WELCOMING STATEMENT

--ON BEHALF OF THE GOVERNMENTS OF CANADA, FRANCE,
THE FEDERAL REPUBLIC OF GERMANY, THE UNITED KINGDOM AND
THE UNITED STATES, I WOULD LIKE TO THANK YOU FOR MAKING
THE LONG JOURNEY TO NEW YORK AT OUR INVITATION. WE HOPE
THE ARRANGEMENTS WE HAVE MADE FOR YOUR STAY ARE COMFORT-

ABLE AND CONVENIENT.

--WE COME TO THESE DISCUSSIONS WITH A POSITIVE SPIRIT IN THE HOPE THAT PROGRESS CAN BE MADE IN MOVING PEACEFULLY AND RAPIDLY TOWARD A SOLUTION OF THE NAMIBIAN PROBLEM ACCEPTABLE TO THE PEOPLE OF NAMIBIA, AND THUS, TO THE INTERNATIONAL COMMUNITY. THAT SOLUTION, AS WE HAVE SUCCEEDED IN MAKING CLEAR TO ALL PARTIES, INCLUDING THE GOVERNMENT OF SOUTH AFRICA, MUST BE BASED ON UNITARY AND INDEPENDENT NATIONHOOD FOR NAMIBIA.

--OUR INVITATION TO YOU TO PARTICIPATE IN THESE DISCUSSIONS IS EVIDENCE OF THE IMPORTANCE WE PLACE ON SWAPO'S ROLE IN THE PROCESS OF SELF-DETERMINATION AND OF OUR DESIRE TO ENSURE THE FULL AND UNRESTRICTED FREEDOM OF SWAPO, AS WELL AS ALL OTHER NAMIBIAN POLITICAL ENTITIES AND, INDEED, INDIVIDUALS, TO PARTICIPATE IN THAT PROCESS.

II. GENESIS OF THE INITIATIVE

--THE INITIATIVE OF THE FIVE GREW OUT OF OUR DESIRE TO TRY TO END THE DEADLOCK OVER NAMIBIA. FOR OVER THIRTY YEARS, THE DEEP HISTORICAL AND LEGAL ROOTS OF THE PROBLEM HAVE DEFIED EVERY EFFORT TO FIND A SOLUTION. A NEW ELEMENT--SOUTH AFRICA'S ANNOUNCED INTENTION OF LEADING NAMIBIA TO INDEPENDENCE ON THE BASIS OF INTERNATIONALLY UNACCEPTABLE ETHNIC LINES--PROMISED TO COMPLICATE THE SITUATION EVEN MORE. IN THE FACE OF THIS PROPOSED COURSE OF ACTION BY SOUTH AFRICA, THE FIVE

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WESTERN MEMBERS OF THE SECURITY COUNCIL DECIDED TO SEE IF THERE WAS SOME ROLE THEY COULD COLLECTIVELY PLAY IN FINDING A SOLUTION. WE WERE ENCOURAGED TO DO SO BY MANY AFRICAN AND OTHER COUNTRIES. HOWEVER, WE NEITHER SOUGHT A SECURITY COUNCIL MANDATE FOR OUR INITIATIVE NOR WAS ONE SUGGESTED BY THE COUNCIL. BUT OUR INITIATIVE RESTS FIRMLY ON SECURITY COUNCIL RESOLUTION 385, WHICH WAS ADOPTED UNANIMOUSLY.

--WE DO NOT SEE OURSELVES AS NEGOTIATORS IN THE FORMAL SENSE BUT AS INTERESTED PARTIES, WITH CONTACTS ON ALL SIDES, TRYING TO HELP THE PARTIES MAINLY CONCERNED TO FIND COMMON GROUND ON WHICH TO BASE AN INTERNATIONALLY ACCEPTABLE AGREEMENT. IF AND WHEN AN OVERALL AGREEMENT IS ACHIEVED, WE ARE PREPARED TO HELP COMMIT THE PLAN TO PAPER.

--AT THE PROPER TIME, AND ASSUMING THAT OUR DISCUSSIONS LEAD TO AN OUTCOME LIKELY TO BE INTERNATIONALLY ACCEPTABLE, WE ARE PREPARED TO SEEK APPROPRIATE SECURITY COUNCIL ACTION AND TO LEND OUR COMBINED DIPLOMATIC STRENGTH TO ENSURE PEACEFUL AND RAPID MOVEMENT TOWARD INDEPENDENCE.

III. PHILOSOPHY BEHIND THE INITIATIVE

--ONE OF THE REASONS FOR THE FAILURE OF PREVIOUS EFFORTS TO FIND A SOLUTION OF THE NAMIBIAN PROBLEM HAS BEEN THE INSISTENCE OF THE GOVERNMENT OF SOUTH AFRICA AND THE UNITED NATIONS ON MAXIMUM LEGAL POSITIONS WHICH, IN EFFECT, DEMAND THE CAPITULATION OF THE OTHER SIDE. RATHER THAN FACILITATING A SOLUTION, THIS APPROACH DROVE THE PARTIES EVER FARTHER APART. OUTS IS A SUSTAINED EFFORT TO FIND A PRACTICAL MIDDLE WAY BETWEEN THE IRRECONCILABLE LEGAL POSITIONS OF THE TWO SIDES.

--WHAT WE SEEK IS TO HELP THE MAJOR INTERESTED PARTIES FIND PRACTICAL WAYS OF PHASING OUT THE SOUTH AFRICAN ADMINISTRATION AND ENABLING THE UNITED NATIONS TO ASSIST THE PEOPLE OF NAMIBIA TO EXERCISE THEIR RIGHTS. FOR THIS

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APPROACH TO SUCCEED, THE PARTIES MUST BE FLEXIBLE ABOUT SHORT-TERM TACTICS AND ACCEPT THE REALITY THAT THERE CAN BE NO PROGRESS TOWARD GENUINE INDEPENDENCE UNLESS ALL PARTIES, INCLUDING SOUTH AFRICA, PLAY A ROLE IN THE PROCESS.

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WE WISH TO FOCUS OUR DISCUSSIONS NOT ON WORDS OR CONCEPTS BUT ON WHETHER A PARTICULAR AND CONCRETE STEP LEADS TO THE DESIRED END. WE WOULD EMPHASIZE THAT TACTICAL FLEXIBILITY NEED NOT PREJUDICE SWAPO'S LEGAL POSITION OR COMPROMISE THE GOAL OF UNITY AND INDEPENDENCE, AND IT WOULD HAVE TO BE MATCHED BY SOUTH AFRICAN FLEXIBILITY. --WE BELIEVE THAT SECURITY COUNCIL RESOLUTION 385 (1976) PROVIDES THE MOST PRACTICAL BASIS FOR A SETTLEMENT. IT IS A BALANCED DOCUMENT WHICH, IF IMPLEMENTED IN ITS ESSENTIAL ELEMENTS, WILL LEAD TO A VALID ACT OF SELF-DETERMINATION ON THE PART OF THE PEOPLE OF NAMIBIA. WE ARE CONFIDENT THAT RESOLUTION 385 CAN BE IMPLEMENTED, PROVIDED THERE IS THE WILL TO SUCCEED ON ALL SIDES.
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INDEED, THIS MAY BE THE ONLY WAY TO ACHIEVE INDEPENDENCE IN THE FORCEABLE FUTURE IN VIEW OF THE BALANCE OF FORCES IN THE TERRITORY.

IV. NEXT STEPS

--THE TALKS WHICH WE HAVE CONDUCTED WITH THE SOUTH AFRICAN GOVERNMENT LEAVE MANY QUESTIONS UNANSWERED, BUT THEY PROVIDE THE BASIS FOR FURTHER DISCUSSIONS WITH ALL PARTIES INVOLVED. WE HOPE THAT THE DISCUSSIONS WHICH WE ARE ABOUT TO UNDERTAKE HERE TODAY WILL LEAD TO THE ATTAINMENT OF ADDITIONAL COMMON GROUND IN THE EFFORT TO ACHIEVE AN INTERNATIONALLY ACCEPTABLE SOLUTION IN NAMIBIA. --IN THIS REGARD, WE HOPE THAT SWAPO WILL AVOID ANY STATEMENTS OR ACTIONS WHICH WOULD FORECLOSE POSSIBILITIES OF REACHING SUCH A SOLUTION.

QUOTE

PART II OF THE WESTERN FIVE PRESENTATION AT THE NEW YORK MEETING WITH SWAPO: DEVELOPMENTS SINCE THE BEGINNING OF THE INITIATIVE OF THE FIVE

WE HAVE TAKEN THE VIEW FROM THE OUTSET AND THROUGHOUT OUR EXPLORATORY TALKS THAT THE PURPOSE OF OUR EFFORTS WAS TO DEVELOP A SETTLEMENT OF THE ISSUE ACCEPTABLE TO THE PEOPLE OF NAMIBIA AND THUS TO THE INTERNATIONAL COMMUNITY. SUCH A SETTLEMENT WOULD ALSO HAVE TO BE CONSISTENT WITH SECURITY COUNCIL RESOLUTION 385. WE, THEREFORE, CONCENTRATED ON DISCUSSING THE ESSENTIAL ELEMENTS OF THAT RESOLUTION IN ORDER TO SEE HOW AN OVER-ALL PACKAGE COULD BE PUT TOGETHER SO AS TO MEET OUR GENERAL OBJECTIVE.

ONE SUCH ESSENTIAL ELEMENT WAS THE HOLDING OF ELECTIONS.
WE SUGGESTED THAT THERE WOULD BE ELECTIONS, ON THE BASIS OF UNIVERSAL
SUFFRAGE FOR A CONSTITUENT ASSEMBLY WHOSE TASK IT WOULD BE TO
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DECIDE UPON A CONSTITUTION FOR AN INDE-
PENDENT NAMIBIA COVERING ALL ASPECTS OF THE STRUCTURE OF
GOVERNMENT AND ADMINISTRATION. VOTING WOULD BE BY
SECRET BALLOT WITH PROVISION TO ENABLE FULL PARTICIPATION BY
INDIVIDUALS WHO CANNOT READ OR WRITE. ALL PERSONS AND ALL POLI-
TICAL PARTIES, REGARDLESS OF POLITICAL VIEWS, WOULD BE FREE
TO PARTICIPATE PEACEFULLY IN THE PROCESS OF POLITICAL CAMP-
AIGNING AND THE ELECTIONS. THERE WOULD
BE FREEDOM OF SPEECH, PRESS AND ASSEMBLY. THIS WAS
ACCEPTED BY THE SOUTH AFRICAN GOVERNMENT.

ANOTHER ESSENTIAL ELEMENT WAS THE REQUIREMENT THAT ALL PERSONS
BORN IN OR RECOGNIZED AS INHABITANTS OF NAMIBIA
WHO ARE NOT NOW IN NAMIBIA SHOULD BE FREE TO RETURN AND
PARTICIPATE PEACEFULLY IN THE POLITICAL PROCESS. THIS WAS ALSO
ACCEPTED BY THE SOUTH AFRICAN GOVERNMENT.

WE THEN PROCEEDED TO CONSIDER THE CRUCIAL ISSUE OF U.N.
INVOLVEMENT IN THE POLITICAL PROCESS LEADING TO ELECTIONS
AND INDEPENDENCE AND FOUND THAT THIS QUESTION WAS INEXTRICABLY
LINKED TO THAT OF THE NATURE OF THE TRANSITIONAL ADMINISTRATIVE
ARRANGEMENTS PRIOR TO INDEPENDENCE. IT WILL BE RECALLED THAT
PRIOR TO OUR FIRST ROUND OF TALKS, THE SOUTH AFRICAN GOVERNMENT
WAS PLANNING TO ENACT THE TURNHALLE CONSTITUTION WHICH WOULD
HAVE LED TO AN ETHNICALLY-BASED FORM OF GOVERNMENT FOR NAMIBIA
WITHOUT ANY INVOLVEMENT BY THE UNITED NATIONS OR, FOR
THAT MATTER, BY SWAPO. WE MADE IT CLEAR THAT SUCH A SOLUTION
WOULD BE INTERNATIONALLY UNACCEPTABLE AND THE SOUTH
AFRICAN GOVERNMENT BY THE END OF THE FIRST ROUND AGREED TO FOREGO
THIS APPROACH. AT THE SECOND ROUND, WE WERE INFORMED
INITIALLY THAT THE SOUTH AFRICAN GOVERNMENT HAD IN MIND
ESTABLISHING A CENTRAL ADMINISTRATIVE ARRANGEMENT CONSISTING
OF 17 MEMBERS, WHICH WOULD HAVE EXECUTIVE AS WELL AS LEGIS-
LATIVE POWERS. ELEVEN OF THOSE MEMBERS WOULD BE REPRESENTATIVES
OF THE DIFFERENT ETHNIC GROUPS WHICH PARTICIPATED IN THE TURNHALLE
CONFERENCE, WITH THE REMAINING MEMBERS CHOSEN ON A DIFFERENT
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BASIS. WE STATED OUR VIEW THAT ANY TRANSITIONAL ARRANGEMENT
SHOULD NOT PREJUDICE OR APPEAR TO PREJUDICE THE OUTCOME

OF THE POLITICAL PROCESS AND THAT IT SHOULD NOT BE BASED
PREDOMINANTLY ON ETHNIC CONSIDERATIONS. THE
SOUTH AFRICAN GOVERNMENT'S PROPOSAL THEREFORE WOULD NOT
BE ACCEPTABLE.

SUBSEQUENTLY, IN OUR DISCUSSIONS WITH THE SOUTH AFRICAN
GOVERNMENT, THERE EMERGED A NEW PROPOSAL WHEREBY AN ADMINIS-
TRATOR-GENERAL WOULD ADMINISTER THE TERRITORY DURING THE TRANS-
ITIONAL PERIOD. AN ESSENTIAL ELEMENT OF THIS NEW APPROACH
IS THAT THE ADMINISTRATOR-GENERAL WILL ACT IN CO-OPERATION WITH
THE U.N. SPECIAL REPRESENTATIVE. WE OBTAINED ASSURANCES THAT
THE ADMINISTRATOR-GENERAL AND HIS STAFF WOULD BE IMPARTIAL;
THE ADMINISTRATOR-GENERAL WOULD NOT EMPLOY ANY POLITICAL
GROUPING IN AN INSTITUTIONAL FASHION, WHETHER ADVISORY OR
OTHERWISE. THE U.N. SPECIAL REPRESENTATIVE WOULD, FOR HIS PART, HAVE
TO BE SATISFIED AT ALL STAGES AS TO THE FAIRNESS OF THE POLITICAL
PROCESS. WE TOOK THE VIEW THAT THE PROPOSAL TO APPOINT AN
ADMINISTRATOR-GENERAL WOULD BE HELPFUL TO THE
EXTENT THAT IT CONTRIBUTES TO THE AIM OF ACHIEVING AN
INTERNATIONALLY ACCEPTABLE SOLUTION TO THE NAMIBIAN QUESTION.

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WE OUTLINED OUR PRELIMINARY VIEWS ON THE U.N. ROLE TO
THE SOUTH AFRICAN GOVERNMENT ON THE FOLLOWING LINES:

THE U.N. PRESENCE SHOULD BEGIN AT THE EARLIEST
POSSIBLE STAGE IN THE TRANSITIONAL PROCESS AND COULD INVOLVE
A SUBSTANTIAL NUMBER OF PERSONS; THE NUMBER WOULD BE DETERMINED
BY THE REQUIREMENTS OF THE TASK. THESE PERSONS WOULD BE
RESPONSIBLE TO THE U.N. SECRETARY-GENERAL AND HIS
SPECIAL REPRESENTATIVE IN NAMIBIA.

THE U.N. SPECIAL REPRESENTATIVE, ASSISTED BY HIS STAFF,
WOULD HAVE THE RESPONSIBILITY OF SATISFYING HIMSELF
AS THE FAIRNESS AND NON-DISCRIMINATORY NATURE OF THE LEGIS-
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LATION WHICH PROVIDES FOR THE ELECTORAL PROCESS; THE IMPAR-
TIALITY OF THE ADMINISTRATION; AND THE CONDUCT OF THE ELEC-
TORAL CAMPAIGN, THE REGISTRATION OF VOTERS
AND THE POLLING. HE WOULD ALSO ENSURE THAT THERE WAS NO
INTIMIDATION FROM ANY QUARTER.

THE SOUTH AFRICAN GOVERNMENT SAID THAT THEY SAW NO
OBJECTION TO AN APPROACH ALONG THESE LINES. THERE WERE
READY TO ACCEPT APPROPRIATE ARRANGEMENTS FOR WHICH THERE WERE
SUITABLE PRECEDENTS AND THAT THEY WOULD WELCOME THE PRESENCE
OF THE U.N. SPECIAL REPRESENTATIVE IN NAMIBIA AS SOON
AS POSSIBLE AFTER THE APPOINTMENT OF THE ADMINISTRATOR-GENERAL.
THE WHOLE QUESTION OF U.N. INVOLVEMENT WILL BE DEALT WITH
IN GREATER DETAIL BY BY COLLEAGUE.....

REPEAL OF DISCRIMINATORY AND RESTRICTIVE LAWS AND REGULATIONS

WE WERE INFORMED BY THE SOUTH AFRICAN GOVERNMENT THAT THIS
WOULD POSE NO PROBLEM. IT WOULD BE ONE OF THE FUNCTIONS OF THE
ADMINISTRATOR-GENERAL TO REPEAL DISCRIMINATORY AND RESTRICTIVE
LAWS AND REGULATIONS. THE U.N. SPECIAL REPRESENTATIVE WILL
HOWEVER HAVE TO BE SATISFIED THAT ALL SUCH LAWS AND REGULATIONS
HAVE BEEN REMOVED.

DETAINEES AND POLITICAL PRISONERS

WE RESTATED OUR VIEW THAT ALL NAMIBIANS WHEREVER HELD AS
DETAINEES AND POLITICAL PRISONERS SHOULD BE RELEASED SO THAT
THEY CAN PARTICIPATE IN THE POLITICAL PROCESS. WE MADE IT
CLEAR THAT, IN RELATION TO "POLITICAL PRISONERS", WE DID NOT
RECOGNIZE THE DISTINCTION MADE BY THE SOUTH AFRICAN GOVERNMENT
BETWEEN DETAINEES AND THOSE WHO HAD BEEN CONVICTED OF AN
OFFENCE BY A COURT. WE COULD NOT ACCEPT THAT SIMPLY

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BECAUSE A PRISONER HAD BEEN CONVICTED FOR CRIMES UNDER EXISTING LAW--SOME OF WHICH MIGHT IN ANY CASE HAVE TO BE CHANGED IN NAMIBIA BEFORE THE ELECTIONS--HE WAS NECESSARILY INELIGIBLE FOR CLASSIFICATION AS A POLITICAL PRISONER. THE SOUTH AFRICAN GOVERNMENT ACCEPTED THAT DISPUTES AS TO WHO IS A POLITICAL PRISONER WOULD BE DECIDED IN THE FINAL INSTANCE BY A PANEL OF JURISTS. THIS PANEL OF JURISTS WILL CONSIST OF 4 MEMBERS APPOINTED BY THE SECRETARY-GENERAL, TWO OF WHOM WOULD BE SOUTH AFRICANS. ONE OF THE FOUR WOULD BE DESIGNATED PRESIDENT BY THE SECRETARY-GENERAL, AND HE WOULD HAVE A CASTING VOTE. (THE PANEL MIGHT ALSO HAVE FUNCTIONS IN RELATION TO DISPUTES WHICH MIGHT ARISE IN THE ELECTORAL PROCESS.) WE ALSO RAISED THE QUESTION OF THE IMMEDIATE RELEASE OF POLITICAL PRISONERS AND DETAINEES; I.E. , BEFORE THE PANEL OF JURISTS IS ESTABLISHED. THE SOUTH AFRICAN GOVERNMENT STATED THAT IT WOULD RELEASE NAMIBIAN DETAINEES, PROVIDED NAMIBIANS DETAINED IN OTHER COUNTRIES WERE ALSO RELEASED. WE REITERATED OUR VIEW THAT ALL NAMIBIANS, WHEREVER HELD, SHOULD BE FREED TO PARTICIPATE IN THE POLITICAL PROCESS.

TRANSFER OF POWER AND WITHDRAWAL OF ELEMENTS OF AUTHORITY

WE ASKED THE SOUTH AFRICAN GOVERNMENT TO DRAW UP PLANS FOR A PHASED TRANSFER OF POWER/WITHDRAWAL WHICH SHOULD TAKE PLACE PROGRESSIVELY THROUGHOUT THE TRANSITIONAL PERIOD. TO FACILITATE INTERNATIONAL ACCEPTANCE, TWO STEPS ARE ESSENTIAL: THE U.N. SPECIAL REPRESENTATIVE MUST BE KEPT CLOSELY INFORMED IN ALL PHASES OF THE PLAN, AND THE WITHDRAWAL MUST BE COMPLETED BY INDEPENDENCE, SUBJECT TO WHATEVER ARRANGEMENTS THE NEW NAMIBIAN GOVERNMENT MAY HAVE MADE FOR THE FUTURE.

THE SOUTH AFRICAN GOVERNMENT EMPHASIZED THE NEED FOR RAPID PROGRESS. THEY EXPECTED TO APPOINT THE ADMINISTRATOR-GENERAL DURING AUGUST. THEY STATED THAT ELECTIONS FOR THE CONSTITUTIONAL ASSEMBLY SHOULD, IF POSSIBLE, BE HELD BEFORE THE END OF THIS YEAR. WE, FOR OUR PART, NOTED THE COMPLEXITY OF THE

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ISSUES, THE NEED FOR CONSULTATION WITH OTHER PARTIES, AND THE NECESSITY OF MAKING ADEQUATE PREPARATION; THIS IN OUR VIEW WOULD REQUIRE MORE TIME THAN THE CONTEMPLATED BY THE SOUTH AFRICAN GOVERNMENT FOR ELECTIONS. WITH REGARD TO WALVIS BAY, WE DREW THE ATTENTION OF THE SOUTH AFRICAN GOVERNMENT TO THIS ISSUE AS IT WOULD CERTAINLY BE A MATTER OF

CONTROVERSY. THE SOUTH AFRICAN GOVERNMENT RE-STATEd THEIR
WELL-KNOWN POSITION. UNQUOTE

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QUOTE

PART III

UN INVOLVEMENT

1. MY COLLEAGUEHAS TOLD YOU WHERE THE FIVE
NOW STAND AFTER OUR TWO ROUNDS OF DISCUSSIONS WITH THE SOUTH
AFRICANS IN CAPETOWN. SINCE WE RETURNED FROM CAPETOWN, WE
HAVE BEEN GIVING SOME THOUGHT TO THE POSSIBLE NATURE AND
EXTENT OF THE UNITED NATIONS' INVOLVEMENT IN THE POLITICAL
PROCESS. WE HAVE SOME IDEAS, AND I SHOULD LIKE TO GO
THROUGH THEM WITH YOU.

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2. BUT IT THINK I SHOULD MAKE THREE PRELIMINARY POINTS.
FIRST, WE HAVE CONCENTRATED ON THE EARLY STAGES OF UN INVOLVEMENT. AS WE SEE IT THE UNITED NATIONS WILL, IN FACT, BE INVOLVED IN NAMIBIA THROUGHOUT THE ENTIRE TRANSITIONAL PROCESS LEADING TO INDEPENDENCE. BUT THE LATER STAGES ARE NOT YET WELL DEFINED, AND WE HAVE THEREFORE FOCUSED ON THE FIRST PART OF THE TRANSITIONAL PERIOD, NAMELY THE HOLDING OF ELECTIONS FOR A CONSTITUENT ASSEMBLY AND THE UNITED NATION'S ROLE THROUGHOUT THIS PRE-ELECTION PERIOD.

3. SECONDLY, WE HAVE CONCENTRATED ON THOSE ASPECTS OF UN INVOLVEMENT ON WHICH WE HAVE MADE SOME PROGRESS WITH THE SOUTH AFRICANS. AS YOU KNOW, THEY HAVE AGREED TO UN SUPERVISION AND CONTROL OF THE ELECTORAL PROCESS, ALTHOUGH FOR THEIR OWN REASONS THEY WILL CONTINUE TO CALL IT BY ANOTHER NAME. WHAT WE HAVE TRIED TO DO IS TO CONSIDER PRACTICAL WAYS IN WHICH THIS SUPERVISION AND CONTROL, OR INVOLVEMENT, COULD BE EXERCISED. I WANT TO STRESS THAT I AM NOT GOING TO OUTLINE TO YOU A COMPLETE PACKAGE FOR UN INVOLVEMENT. THERE WILL BE OTHER ASPECTS TO LOOK AT IN DUE COURSE. IN FOCUSING NOW ON THE ELCTORAL ARRANGEMENTS I AM SIMPLY REFLECTING THE PROGRESS WE HAVE MADE ON AN IMPORTANT PART OF RESOLUTION 385. WE HAVE TO START SOMEWHERE, AND I HOPE THAT THE IDEAS I AM GOING TO GIVE YOU ON THE SCOPE AND FUNCTION OF THE UN SPECIAL REPRESENTATIVE DURING THE ELECTORAL PROCESS WILL LEAD TO A USEFUL DISCUSSION BETWEEN US ON THE ROLE OF THE UNITED NATIONS.

4. THIRDLY, I MUST STRESS THAT THESE IDEAS ARE OUR OWN. THEY HAVE NOT BEEN EXAMINED BY THE EXPERTS IN THE SECRETARIAT. THE EXPERTS, ONCE THEY HAVE EXAMINED THE MATTER, WILL NO DOUBT HAVE REFINEMENTS AND ADDITIONS TO SUGGEST.

5. WE HAVE CONSIDERED THE FOLLOWING ASPECTS OF UN INVOLVEMENT IN NAMIBIA: -

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FIRST, THE ORGANISATION, STAFFING, DEPLOYMENT AND FINANCING OF THE UN SPECIAL REPRESENTATIVE' STAFF;
SECONDLY, THE UN SPECIAL REPRESENTATIVES ROLE IN THE ELECTORAL PROCESS. THAT COVERS SUCH ITEMS AS UNIVERSAL SUFFRAGE, A SECRET BALLOT, FREEDOM OF PEACEFUL PARTICIPATION FOR ALL PERSONS AND POLITICAL PARTIES, FREEDOM OF SPEECH, COMMUNICATION, PRESS, ASSEMBLY AND MOVEMENT; GUARANTEES FOR THE FAIR CONDUCT OF THE CAMPAIGN AND REMOVAL OF DISCRIMINATORY LEGISLATION; AND THE NEED FOR IMPARTIALITY OF THE SOUTH AFRICAN AUTHORITIES;

THIRDLY, GUARANTEES AGAINST THE POSSIBILITY OF INTERFERENCE FROM ANY QUARTER. IN THIS CONTEXT WE HAVE DISCUSSED BOTH THE ROLE OF THE POLICE AND THAT OF THE ARMED FORCES.

FINALLY, WE HAVE GIVEN SOME THOUGHT TO THE ROLE OF THE PROPOSAL PANEL OF JURISTS.

6. PERHAPS I COULD NOW GO THROUGH THESE POINTS ONE BY ONE.

(I) ORGANISATION, STAFFING, DEPLOYMENT, FINANCING

-AS WE SEE IT, THE ESSENTIAL TASK OF THE UN SPECIAL REPRESENTATIVE WILL BE TO PROVIDE THE NECESSARY SUPERVISION AND CONTROL OF THE POLITICAL PROCESS IN NAMIBIA TO ENSURE THE FAIR CONDUCT OF ELECTIONS FOR A CONSTITUENT ASSEMBLY WHICH WILL DECIDE UPON A NEW CONSTITUTION.

-OUR VIEW IS THAT IF THE UN SPECIAL REPRESENTATIVE IS TO CARRY OUT HIS DUTIES PROPERLY, HE WILL HAVE TO HAVE ENOUGH MANPOWER ASSISTANCE TO ESTABLISH A REALLY EFFECTIVE AND VISIBLE UN PRESENCE. THIS IN TURN CAN ONLY BE ACHIEVED IF UN PERSONNEL ARE DEPLOYED THROUGHOUT THE COUNTRYSIDE AS WELL AS IN A WINDHOEK HEADQUARTERS.

-WE SEE THE OPERATIONAL REQUIREMENTS FOR UNITED NATIONS MANPOWER AS FALLING INTO TWO MAIN AREAS. FIRST, THE SUPERVISION OF THE ELECTION PROCESS, AND SECOND, THE NEED TO ENSURE STRICT IMPARTIALITY DURING THE ELECTIONS.

-IF WE LOOK FIRST AT WINDHOEK HEADQUARTERS, WE THINK THAT THE SPECIAL REPRESENTATIVE'S STAFF MIGHT BE ORGANIZED ALONG CONFIDENTIAL

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THE FOLLOWING LINES: LEGAL-POLITICAL, FOR ADVICE AND OVERSIGHT OF ELECTORAL-POLITICAL PRECEDURES, AND DISPATCH OF INSPECTORS TO THE FIELD; OPERATIONS, TO DIRECT AND SUPERVISE THE UNITED NATIONS FIELD CORPS; PUBLIC SAFETY AND INTERNAL SECURITY, BOTH TO PROVIDE OVERSIGHT FOR PUBLIC ORDER FUNCTIONS IN THE FIELD AND MAINTAIN LIAISON WITH LOCAL POLICE AND MILITARY; COMMUNICATIONS; GENERAL SERVICES AND LOGISTICS. AT A FIRST GUESS, THESE HEADQUARTERS FUNCTIONS COULD BE EXPECTED TO REQUIRE FROM 70 TO 100 UN PERSONNEL.

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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 4760
AMEMBASSY PRETORIA IMMEDIATE
INFO AMEMBASSY BONN IMMEDIATE
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
AMEMBASSY LAGOS
AMEMBASSY LUSAKA
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
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- THE FIELD OPERATIONS, BOTH TO SUPERVISE ELECTIONS AND TO SERVE AS WATCHDOGS AGAINST INTERFERENCE, WOULD REQUIRE A MUCH GREATER NUMBER OF UN OFFICIALS. WE SUGGEST THAT THE TERRITORY MIGHT BE DIVIDED INTO DISTRICTS, AND PERHAPS EVEN FURTHER SUBDIVIDED, WITH EACH DIVISION OR SUBDIVISION SERVED BY A SUBSTANTIAL NUMBER OF UN OFFICIALS, THESE WOULD MONITOR COMPLIANCE WITH THE ELECTORAL PROCESS. AN EFFECTIVE COMPLAINTS PROCEDURE WOULD ALSO HAVE TO BE DEvised.

- IN ORDER FOR THESE FIELD OPERATIONS TO BE EFFECTIVE AND PROVIDE PROPER COVERAGE, AS MANY AS 500 OR 600 UN OFFICIALS MIGHT BE NEEDED. IN ADDITION, IT MIGHT BE NECESSARY TO INCREASE UN CONFIDENTIAL

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PERSONNEL BY AS MUCH AS ANOTHER HUNDRED PEOPLE FOR LOGISTICAL SUPPORT.

- ALL IN ALL, 700 TO 800 UN PERSONNEL MIGHT BE NEEDED IN OUR JUDGMENT IF THE UN IS PROPERLY TO CARRY OUT ITS FUNCTION OF SUPERVISION AND CONTROL IN NAMIBIA. WE DON'T THINK THAT ALL OF THESE INDIVIDUALS WOULD BE NEEDED THROUGHOUT THE POLITICAL PROCESS. RATHER, THEY MIGHT BE PHASED INTO SERVICE GRADUALLY WITH THE PEAK IN MANPOWER OCCURRING AT AND PRIOR TO ELECTION TIME.

- I WON'T GO INTO DETAIL ON THE QUESTION OF HOW TO FINANCE THIS EXERCISE. THIS IS REALLY A MATTER FOR THE SECRETARIAT AND

FOR UN MEMBERS. BUT YOU WILL APPRECIATE THAT THE COST IS BOUND TO BE HIGH GIVEN THE EXTENSIVE ROLE ENVISAGED FOR THE UN.

(II) THE UN SPECIAL REPRESENTATIVE'S ROLE IN THE ELECTORAL PRECESS

UNDER THIS HEADING WE HAVE SOME IDEAS TO PUT TO YOU ON THE VITAL QUESTION OF ENSURING A FREE AND FAIR ELECTION. WE THINK THAT THE UN SPECIAL REPRESENTATIVE'S INITIAL TASK WOULD BE TO TEST THE ADEQUACY AND VALIDITY OF ELECTORAL RULES AND PROCEDURES PRESENTED TO HIM BY THE ADMINISTRATOR-GENERAL PRIOR TO PROMULGATION; IF THESE PROVE UNSATISFACTORY, THE SPECIAL REPRESENTATIVE COULD ADVISE ON REDRAFTING OF SUCH RULES AND PROCEDURES.

(BEGIN BRACKET) I HAVE USED THE WORD "ADVISE" BUT IF THE SPECIAL REPRESENTATIVE OBJECTED TO THESE RULES, WE ARE CLEAR IN OUR MINDS THAT THE SOUTH AFRICANS COULD HARDLY REFUSE TO ACCOMMODATE HIS LEGITIMATE OBJECTS WITHOUT CALLING CONTINUED UN INVOLVEMENT IN QUESTION(END BRACKET)

THERE ARE CERTAIN BASIC STANDARDS WHICH HAVE TO BE MET.
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THESE INCLUDE:

- UNIVERSAL SUFFRAGE
- SECRET BALLOT
- FULL PARTICIPATION BY INDIVIDUALS WHO CANNOT READ OR WRITE
- FREEDOM OF PEACEFUL PARTICIPATION FOR ALL PERSONS AND ALL POLITICAL PARTIES, REGARDLESS OF POLITICAL VIEWS,
- FREEDOM OF SPEECH, COMMUNICATION, PRESS, ASSEMBLY AND MOVEMENT
- GUARANTEES FOR A FAIR CONDUCT OF THE CAMPAIGN UNIMPEDED BY ANY DISCRIMINATORY LEGISLATION
- IMPARTIALITY OF THE ADMINISTRATION

THE SPECIAL REPRESENTATIVE WILL THEREFORE HAVE A VERY WIDE RANGE OF DUTIES. HE OUGHT TO MAKE SURE THAT ALL VOTERS ARE FULLY AWARE OF WHAT THE ELECTION IS ABOUT. THIS COULD INVOLVE, FOR EXAMPLE, THE DISSEMINATION OF BASIC INFORMATION ABOUT THE ELECTORAL PROCESS AND A OUT THE UN'S ROLE AS GUARDIAN OF A FREE AND FAIR ELECTION.

THE SPECIAL REPRESENTATIVE WILL ALSO NEED TO BE IN A POSITION TO ASSURE FAIR ACCESS TO COMMUNICATIONS FACILITIES AND CAMPAIGN MEDIA. HE WILL HAVE TO IDENTIFY ALL POLITICAL PARTIES ELIGIBLE FOR PARTICIPATION IN THE CAMPAIGN. TO DETERMINE -- IN CASES OF DOUBT -- THE LEGITIMACY OF CLAIMS FOR STATUS AS PARTIES AND TO DISCOURAGE ANY FRIVOLOUS CANDIDACIES, WE THINK THAT HE MIGHT CONCERT WITH THE ADMINSTRATOR-GENERAL ON

CERTAIN LIMITING CRITERIA, FOR EXAMPLE PROOF OF A
MINIMUM NUMBER OF ADHERENTS.

THEN HE WILL HAVE TO CONCERT WITH THE ADMINISTRATOR-
GENERAL ON DELINEATING ELECTION DISTRICTS, WHICH MIGHT
CONVENIENTLY ALSO BECOME THE OPERATIONAL DISTRICTS FOR
HIS STAFF. HE WILL ALSO HAVE TO CONCERT WITH THE
ADMINISTRATOR-GENERAL ON THE SCHEME AND ALLOCATION OF
SEATS. THERE ARE MANY WAYS OF TACKLING THESE PROBLEMS AND
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YOU PROBABLY HAVE YOUR OWN IDEAS. ONE POSSIBILITY MIGHT
BE SOME VARIATION OF THE SINGLE-MEMBER CONSTITUENCY,
FOR EXAMPLE ARRANGEMENTS BASED ON MODIFIED PROPORTIONAL
REPRESENTATION. THIS COULD GIVE ALL GROUPS AND POLITICAL
PARTIES A FAIR CHANCE TO COMPETE, AND GIVE SOME PROTECTION TO
MINORITIES.

WE HAVE LOOKED AT SOME PAST ELECTIONS WHICH THE UNITED NATIONS
SUPERVISED. BOTH PAST EXPERIENCE AND THE SIZE OF NAMIBIA
SUGGESTS THAT AN OVERALL RATIO OF UN FIELD MONITORS TO
ELECTORS MIGHT BE APPROXIMATELY 1:750, (WHICH WOULD REQUIRE
A TOTAL OF ABOUT 500 MONITORS FOR AN ELECTORATE WHICH
APPARENTLY IS OF THE ORDER 400,000).

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WE SUGGEST THAT CONSIDERATION MIGHT BE GIVEN TO NAMING
A SPECIAL TEAM OF ELECTORAL EXPERTS TO ACCOMPANY THE
SPECIAL REPRESENTATIVE'S ADVANCE PARTY TO ADVISE ON SUCH
QUESTIONS AS FRANCHISE, REGISTRATION, AND TECHNIQUES TO
ASSURE SECRECY OF THE BALLOT AND VERIFICATION OF RESULTS.
TO COMPLETE THE ELECTION ROLLS, IDENTICAL MEANS OF IDENT-
IFYING AND REGISTERING ALL NAMIBIAN VOTERS COULD BE DEVELOPED.

THE ENTITLEMENT OF CERTAIN GROUPS TO CAMPAIGN AND VOTE
WILL NO DOUBT ALSO HAVE TO BE CLARIFIED.

PAST UN EXPERIENCE SUGGESTS ABOUT ONE POLLING STATION
PER 1,000 VOTERS, WHICH WOULD MEAN THAT SOME 450 POLLING
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PLACES (INCLUDING MOBILE POLLING VANS) COULD BE REQUIRED.
AT EACH POLLING STATION A UN MONITOR AND LOCAL PARTY
REPRESENTATIVES WOULD BE PRESENT. THE UN MONITOR-
WATCHER WOULD, AT THE END, SEAL THE BOXES AND TRANSPORT
THEM TO A CENTRAL COUNTING STATION.
THE SPECIAL REPRESENTATIVE MIGHT ALSO DEVISE WAYS OF PROTECTING
THE SECRECY OF THE BALLOT AND OF SAFEGUARDING
AGAINST FRAUD, IN COOPERATION WITH THE ADMINISTRATOR-GENERAL.

FINALLY, THE SPECIAL REPRESENTATIVE AND HIS STAFF WILL
HAVE TO MONITOR THE COUNTING OF VOTES AND THE PUBLICATION
OF THE ELECTION RESULTS.

(III) GUARANTEES AGAINST THE POSSIBILITY OF INTERFERENCE FROM
ANY QUARTER

- WE ARE QUITE CLEAR THAT THE SPECIAL REPRESENTATIVE MUST
TAKE STEPS TO GUARANTEE THE INTEGRITY OF THE ELECTORAL PROCESS
AND PREVENT INTERFERENCE FROM ANY QUARTER, INCLUDING THE SOUTH
AFRICAN ARMED FORCES AND POLICE. AT THE SAME TIME NORMAL
REQUIREMENTS OF LAW AND ORDER MUST BE UPHELD, SO THAT ELECTIONS
TAKE PLACE IN A PEACEFUL ATMOSPHERE.

- I SAID AT THE START THAT WE HAD INEVITABLY CONCENTRATED ON
THOSE ASPECTS OF THE PROBLEM WHERE SOUTH AFRICA HAD ALREADY

SHOWN SIGN OF MOVEMENT IN A HELPFUL DIRECTION. WE BELIEVE THAT SOUTH AFRICA HAS ACCEPTED THAT STEPS MUST BE TAKEN TO ENSURE THAT ITS TROOPS AND POLICE DO NOT INTERFERE WITH THE ELECTORAL PROCESS. THIS WILL REQUIRE SAFEGUARDS. SO FAR AS THE POLICE ARE CONCERNED, THE PRESENCE OF A SUBSTANTIAL NUMBER OF UN MONITORS IN THE FIELD OUGHT IN ITSELF TO ENCOURAGE FREEDOM FROM INTERFERENCE. THESE MONITORS COULD IN ADDITION BE EMPOWERED TO RECEIVE COMPLAINTS FROM LOCAL INDIVIDUALS OR GROUPS CONCERNING ALLEGED INTERFERENCE. WHERE
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POSSIBLE SUCH COMPLAINTS WOULD BE EXAMINED AND RESOLVED INFORMALLY AT THE LOCAL LEVEL; BUT WE SUGGEST THAT THE PROPOSED PANEL OF JURISTS, TO WHICH I SHALL COME IN A MOMENT, COULD BE EMPOWERED TO RECEIVE, AND ADJUDICATE UPON APPEALS.

- AS REGARDS SAFEGUARDS AGAINST INTERFERENCE BY THE ARMED FORCES, THE ARMED FORCES IN NAMIBIA SHOULD NOT BE PERMITTED TO EXERCISE ANY INFLUENCE WHATSOEVER OVER THE CONDUCT OF THE ELECTIONS. UN MONITORS MIGHT BE EMPOWERED TO OBSERVE AND REPORT UPON ARRANGEMENTS TO ENSURE THAT SOUTH AFRICAN ARMED FORCES DO NOT INTERFERE IN THE ELECTORAL PROCESS. WE SUGGEST THAT SPECIAL UN MONITORS, PRESUMABLY THEMSELVES OFFICERS, MIGHT BE ATTACHED FOR THESE PURPOSES TO SOUTH AFRICAN ARMED UNITS, AND THE UNITS THEMSELVES REQUIRED TO REMAIN WITHIN THEIR BASES. BORDER AREAS CLEARLY PRESENT SPECIAL PROBLEMS; BUT UN MONITORS SHOULD BE ATTACHED TO BORDER UNITS AS WELL, BOTH TO ENSURE NON-INVOLVEMENT IN THE ELECTIONS AND TO GUARANTEE THAT ALL PERSONS ELIGIBLE TO PARTICIPATE IN THE ELECTORAL PROCESS ARE FREE TO RETURN.

(IV) THE PROPOSED PANEL OF JURISTS

- THE SOUTH AFRICAN GOVERNMENT HAS ACCEPTED THAT THE SECRETARY-GENERAL WILL APPOINT A PANEL OF JURISTS OF FOUR MEMBERS, HALF OF WHOM WILL BE SOUTH AFRICANS. THE SECRETARY- GENERAL WOULD DESIGNATE ONE OF THE FOUR AS PRESIDENT OF THE PANEL, WITH A CASTING VOTE.

- AS A GENERAL PRINCIPLE, WE BELIEVE THAT DISPUTES OVER THE ELECTORAL ROLLS, AND THE CONDUCT OF THE ELECTION ARE BEST SETTLED INFORMALLY THROUGH CONSULTATIONS BETWEEN THE SPECIAL REPRESENTATIVE AND HIS STAFF AND THE LOCAL AUTHORITIES. BUT THE SPECIAL REPRESENTATIVE SHOULD HAVE THE RIGHT TO REFER TO THE PANEL ANY DISPUTE CONCERNING THE FAIR ADMINISTRATION AND CONDUCT OF THE ELECTION, INCLUDING THE QUESTION WHETHER ANY LAW OR REGULATION IN FORCE IS DISCRIMINATORY OR RESTRICTIVE. IF INFORMAL DISCUSSIONS
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AT THE LOCAL LEVEL FAIL TO RESOLVE THE MATTER A PERSON WHO
CONSIDERS HIMSELF PREJUDICED BY THE ADMINISTRATION AND CONDUCT
OF THE ELECTION, OR BY THE OPERATION OR APPLICATION OF ANY LAW OR
REGULATION, SHOULD LIKEWISE BE ABLE TO BRING THE DISPUTE BEFORE
THE PANEL. THE PANEL WOULD BE MASTER OF ITS OWN PRECEDURES.
ITS DECISIONS WOULD BE FINAL AND BINDING.

- IN ADD ITION, WE CONSIDER THAT THE PANEL SHOULD HAVE ULTIMATE
RESPONSIBILITY FOR DECIDING WHO IS A POLITICAL PRISONER, AND THUS
TO BE RELEASED IMMEDIATELY. ANY CLAIMS BY OR ON BEHALF OF A
PERSON HELD IN PRISON THAT HE OR SHE IS A POLITICAL PRISONER WOULD
BE REFERRED TO THE PANEL.

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Message Attributes

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To: STATE PRETORIA
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